

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)
)
Plaintiff,) **ORDER**
)
vs.)
)
Rufus Wesley Brown, Jr.,) Case No. 1:22-cr-063
)
Defendant.)

On August 25, 2022, the court issued an order that temporarily released defendant to Silver Creek Recovery (“Silver Creek”) so that he could participate in its inpatient treatment program with the understanding that he would return to Marshals Service custody upon his discharge from the program. (Doc. No. 82).

On October 6, 2022, defendant filed motion to amend the court’s August 25, 2022, order. (Doc. No. 98). He expects to be discharged from Silver Creek on October 10, 2022. He requests that the court amend its order to permit him to reside at Firm Foundation, a sober living facility located in Jamestown, North Dakota, subsequent to his discharge from Silver Creek. He advises that Silver Creek staff has agreed to transport him to Firm Foundation.

On October 7, 2022, the United States filed a response in opposition to defendant’s motion. (Doc. No. 100). First, it notes that the Pretrial Services Office has little to no experience with Firm Foundation. Second, it notes that Firm Foundation does not provide treatment. Third, it asserts that Firm Foundation cannot provide the security, structure and supervision that defendant requires given his history.

The court appreciates the efforts undertaken by counsel to secure a placement for defendant

at Firm Foundation. However, given defendant's criminal history and lack of any meaningful ties to this district, the court is not persuaded that a placement at Firm Foundation will mitigate the danger and risk of flight that defendant presumptively poses given the nature of his pending charge. 18 U.S.C. § 3142(e)(3). As the United States has pointed out, Firm Foundation is not a secure facility and does not provide treatment services. Defendant's motion (Doc. No. 98) is therefore **DENIED**. Upon his discharge from Silver Creek, defendant shall immediately report to the United States Marshal's office in Bismarck with the understanding that he shall be remanded into custody pending further order.

IT IS SO ORDERED.

Dated this 7th day of October, 2022.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court